

Application No. 10/767,320
Amendment "A" dated November 6, 2004
Reply to Office Action mailed October 4, 2004

REMARKS

Claims 1-43 were pending in the application. Claims 25, 35 and 43 were amended. No claims were added or cancelled. Accordingly, claims 1-43 remain pending in the application.


The Office Action rejects claims 25, 35 and 43 under 35 U.S.C. § 112, second paragraph, on the grounds that such claims contain words that render them indefinite. In response, Applicants have amended these claims in a manner that is believed to overcome the rejections and respectfully request reconsideration and allowance of these claims. Other claims were amended to change claim dependencies, maintain antecedent basis and/or correct obvious typographical errors.¹

The Office Action indicates that claims 1-43 conflict with claims 1-33 of U.S. application Serial No. 10/724,030 (hereinafter "parent application"). Claims 1-43 were also provisionally rejected over claims 1-33 of the parent application under the judicially created doctrine of obviousness-type double patenting. In response, Applicants affirm that they either have filed or will file a Notice of Express Abandonment relative to the parent application in order to abandon the application but not the invention disclosed therein. As a result of the abandonment of the parent application, the foregoing rejections are or will become moot.

In view of the foregoing, Applicants submit that the application is believed to be in allowable form. In the event the Examiner finds any remaining impediment to a prompt allowance of this application, which may be clarified through a telephone interview or that may be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 8th day of November 2004.

Respectfully submitted,



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¹ The amended claims in this paper are as broad, or broader, than the originally filed claims and therefore have not been narrowed for a reason related to patentability.